

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOSEPH RAMILLA,)	
)	CASE NO. 4:21CV1799
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
OLIVIA JENNINGS, <i>et al.</i> ,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	[Resolving ECF Nos. 28 and 30]

Pending is *Pro Se* Plaintiff Joseph Ramilla's Motion to Compel Answers to Interrogatories ([ECF No. 28](#)). Also pending is Defendant David Ritz's Motion to Strike ([ECF No. 30](#)). The Court has been advised, having reviewed the record, the parties' briefs, and the applicable law. For the reasons set forth below, ECF Nos. [28](#) and [30](#) are denied.

I. [ECF No. 28](#)

Plaintiff asks the Court to compel four (4) non-parties to answer his interrogatories to be served upon them by the Clerk of Court.¹ The Federal Rules of Civil Procedure, however, do not contemplate serving interrogatories on non-parties like Sgt. Held, Christopher Emerick, Dr. Kline, and Correction Officer Brian Murry. See [Fed. R. Civ. P. 33\(a\)\(1\)](#); [Davis v. Cox](#), No. [2:18-cv-11255](#), 2019 WL 1783066, at *8 (E.D. Mich. March 29, 2019) ("By its terms, [Rule 33](#) applies only to interrogatories served on a *party*." (emphasis in original)) (citing [United States v. One Parcel of Real Prop.](#), 128 F.3d 1386, 1397 (10th Cir. 1997) ("The interrogatories

¹ Plaintiff did not file a permissive reply. See [Local Rule 7.1\(e\)](#).

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propounded by [claimant] were apparently directed to persons not parties to this litigation in violation of [Fed. R. Civ. P. 33](#)”); [Ward v. Empire Vision Ctrs., Inc.](#), 262 F.R.D. 256, 261 (W.D. N.Y. 2009) (denying *pro se* plaintiff’s motion to compel non-parties to answer party interrogatories); [Ostrowski v. Lake Cty. Bd. of Comm’rs](#), 2:16-CV-166-JEM, 2016 WL 8668496, at *2 (N.D. Ind. Oct. 21, 2016) (citing [DeCola v. Kosciusko Cty. Sheriff’s Dept.](#), No. 3:06-CV-176 RM, 2007 WL 1650921, at *2 (N.D. Ind. June 5, 2007) (“the Federal Rules of Civil Procedure do not provide for serving interrogatories on non-parties”); [Ellison v. Runyan](#), 147 F.R.D. 186, 188 (S.D. Ind. 1993) (“Interrogatories under [Fed. R. Civ. P. 33](#) may be used to obtain information only from other parties, not non-parties.”)).

II. [ECF No. 30](#)

Defendant argues Plaintiff’s Motion to Compel ([ECF No. 28](#)) should be stricken from the record because Plaintiff is asking the Court to compel non-parties to answer interrogatories. [ECF No. 30 at PageID #: 303](#). [ECF No. 28](#) is not, however, subject to a motion to strike under [Fed. R. Civ. P. 12\(f\)](#). The Federal Rules of Civil Procedure do not provide for a motion to strike documents or portions of documents other than pleadings. [Lucas v. JBS Plainwell, Inc.](#), No. 1:11-cv-302, 2011 WL 5408843, at *1 (W.D. Mich. Nov. 8, 2011). A motion to strike asks the court to remove “from a *pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” [Rule 12\(f\)](#) (emphasis added). Defendant’s Motion to Strike ([ECF No. 30](#)) is not strictly proper in this instance, for [ECF No. 28](#) is not a “pleading,” but rather a “motion” pursuant to [Fed. R. Civ. P. 7\(b\)](#). The federal rules designate as “pleadings” those filings as set forth in [Rule 7\(a\)](#). [Monroe v. Board of Educ.](#), 65 F.R.D. 641, 645 (D. Conn. 1975).

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Therefore, Defendant's Motion to Strike ([ECF No. 30](#)) is lacking in merit. The Court has, however, reviewed [ECF No. 30](#) as a memorandum in opposition to Plaintiff's Motion to Compel Answers to Interrogatories ([ECF No. 28](#)). See [Local Rule 7.1\(d\)](#).

III.

Plaintiff's Motion to Compel Answers to Interrogatories ([ECF No. 28](#)) is denied.

Defendant David Ritz's Motion to Strike ([ECF No. 30](#)) is denied.

IT IS SO ORDERED.

October 27, 2022
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge